UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,244	11/20/2001	Ann De Bolster	BE000021	9645

			EXAMINER
24737	7590	05/06/2004	BROWN, VERNAL U

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _20 November 2001_.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-5,7 and 8_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-5,7-8_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

This action is responsive to amendment filed February 17, 2003.

Response to Amendment

The examiner has acknowledged the amended claims 1-5 and 7-8 and the cancellation of claim 6. The examiner further acknowledged the amended specification and the amended specification will be entered.

Response to Arguments

Applicant's arguments filed 2/17/2004 have been fully considered but they are not persuasive.

Regarding applicant argument concerning the transmitting all or a subset of the code data used to form the control signal from the remote control to an electronic device, the reference of Fong et al. is relied upon for teaching transmitting the control data from the remote control to an electronic device and further storing the data in the memory of the electronic device (col. 14 lines 24-32).

Regarding applicant's argument regarding claim 5, Harvey the specific protocol used in a remote control signal is determined by an analysis of the remote control data bit information (col. 4 line 66-col. 5 line 3). The data bit from which the protocol is determined is considered the identifier signal.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitao et

al. U.S Patent 6160491 in view of Fong et al. U.S Patent 6309275.

Regarding claims 1-2, Kitao et al. teaches an arrangement including a remote control

device and at least one electronic device (figure 1), the remote control device having a first

memory (106) for storing a set of code data for controlling an electronic device (col. 5 lines 48-

50), the remote control device further comprising a signal generator (103) having an input for

receiving code data from the first memory (figure 1), the signal generator generating control

signal to control signals for controlling at least one electronic device and transmitting the control

signals to control an electronic device (col. 5 lines 58-65). Kitao et al. is however silent on

teaching a code data output unit having an input for receiving an upload signal which control

reading at least a subset of the code from the first memory and transmitting the code burstwise to

a data input of a first electronic device. Fong et al. in an art related remote controlled device

teaches the use of a household remote control device for controlling an electronic device (col. 8

lines 2-5) and further teaches the remote control transmitting the codes to the electronic device

(col. 13 lines 61-64, col. 14 lines 4-6). Fong et al. also teaches the uploading of the code to the

electronic device is initiated by pressing a button which therefore serve to provide the upload

signal (col. 14 lines 24-32).

It would have been obvious to one of ordinary skill in the art to have a code data output

unit having an input for receiving an upload signal which control reading at least a subset of the

code from the first memory and transmitting the code burstwise to a data input of a first

electronic device in Kitao et al. as evidenced by Fong et al. because Kitao et al. suggests the use

of a remote control unit to transmit control and command codes and to an electronic device and

Fong et al. teaches remote control transmitting the codes to the electronic device and also teaches

the uploading of the code to the electronic device is initiated by pressing a button which serves to

provide the upload signal in order to store the remote control code in the electronic device.

Regarding claims 3-4, Kitao et al. teaches a verification unit (112) connected to the

memory and data input and adapted to compare the received data with the stored data (col. 6

lines 20-24) but is silent on teaching comparing the received subset with the subset stored in the

second memory and generating a flag if the received subset is not stored. Fong et al. in an art

related remote controlled device teaches comparing the received subset with the subset in

memory by determining if the subset is valid (col. 14 lines 25-30) and generating flags (yes/no)

indicating whether the data is stored in the memory (figure 6).

It would have been obvious to one of ordinary skill in the art to compare the received

subset with the subset stored in the second memory and generating a flag if the received subset is

not stored in Kitao et al. as evidenced by Fong et al. because Kitao et al. suggests a verification

unit (112) connected to the memory and data input and adapted to compare the received data

with the stored data and Fong et al. teaches comparing the received subset with the subset in

memory by determining if the subset is valid and generating flags (yes/no) indicating whether the

data is stored in the memory.

Regarding claim 7, Kitao et al. teaches a remote control device comprising:

a first memory (106) for storing a set of code data for controlling an electronic device

(col. 5 lines 48-50);

a signal generator (103) having an input coupled to the first memory for receiving the

code data generated by the signal generator which first memory is connected to an input of a

signal generator (103) to supply the code data to the input, on the basis of said code data, control

signals for controlling the electronic device (col. 5 lines 58-65). Kitao et al. is however silent on

teaching a code data output unit having an input for receiving an upload signal which control

reading at least a subset of the code from the first memory and transmitting the code burstwise to

a data input of a first electronic device. Fong et al. in an art related remote controlled device

teaches the use of a household remote control device for controlling an electronic device (col. 8

lines 2-5) and further teaches the remote control transmitting the codes to the electronic device

(col. 13 lines 61-64, col. 14 lines 4-6). Fong et al. also teaches the uploading of the code to the

electronic device is initiated by pressing a button which therefore serve to provide the upload

signal (col. 14 lines 24-32).

It would have been obvious to one of ordinary skill in the art to have a code data output

unit having an input for receiving an upload signal which control reading at least a subset of the

code from the first memory and transmitting the code burstwise to a data input of a first

electronic device in Kitao et al. as evidenced by Fong et al. because Kitao et al. suggests the use

of a remote control unit to transmit control and command codes and to an electronic device and

Fong et al. teaches remote control transmitting the codes to the electronic device and also teaches

the uploading of the code to the electronic device is initiated by pressing a button which serves to

provide the upload signal.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kitao et al. U.S

Patent 6160491 in view of Fong et al. U.S Patent 6309275 and further in view of Harvey U.S

Patent 6130625.

Regarding claim 5, Kitao et al. in view of Fong et al. teaches identifying the received

remote signal (U.S Patent 6309275, col. 13 lines 66-67) but is silent on teaching the code data

output is adapted to include an identifier which identifies the transmission protocol. Harvey in an

art related remote control invention teaches the code data output is adapted to include an

identifier that identifies the transmission protocol (col. 4 line 66-col. 5 line 3).

It would have been obvious to one of ordinary skill in the art for the code data output to

be adapted to include an identifier that identifies the transmission protocol in Kitao et al. in view

of Fong et al. as evidenced by Harvey because Kitao et al. in view of Fong et al. suggests

identifying the received remote signal and Harvey teaches the code data output is adapted to

include an identifier that identifies the transmission protocol.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kitao et al. U.S

Patent 6160491 in view of Fong et al. U.S Patent 6309275 and further in view of Yang U.S

Patent 6133847.

Regarding claim 8, Kitao et al. in view of Fong et al. teaches a remote control

transmitting signal to different devices as discussed in the response to claim 1 but is however

silent on teaching the remote control is user-configurable. Yang in an art related remote control

device teaches a user configurable remote control (col. 9 lines 63-66).

It would have been obvious to one of ordinary skill in the art to have a user-configurable

remote control in Kitao et al. in view of Fong et al. as evidenced by Yang because Kitao et al. in

view of Fong et al. suggests a remote control transmitting signal to different devices and Yang

teaches a user configurable remote control in order to allow the user to configure the remote

control to reflect their desired preferences.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The

examiner can normally be reached on M-Th, 8:30 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vernal Brown
April 21, 2004

MICHAEL HORABIK
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